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*Counsel for Individual and Representative  
Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

J. DOE 1, et al.,  
Individual and Representative Plaintiffs,  
v.  
GITHUB, INC., et al.,  
Defendants.

Case No. 4:22-cv-06823-KAW

**DECLARATION OF JOSEPH R. SAVERI  
IN SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED (L.R. 3-12, 7-11)**

J. DOE 3, et al.,  
Individual and Representative Plaintiffs,  
v.  
GITHUB, INC., et al.,  
Defendants.

Case No. 3:22-cv-07074-LB

**DECLARATION OF JOSEPH R. SAVERI  
IN SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED (L.R. 3-12, 7-11)**

1 I, Joseph R. Saveri, declare as follows:

2 1. I am an attorney duly licensed to practice in the State of California. I am a partner  
3 and founder of the Joseph Saveri Law Firm, LLP (“JSLF”), counsel of record for Plaintiffs Doe 1  
4 and Doe 2 in this action, *Doe 1, et al. v. GitHub, Inc., et al.*, No. 4:22-cv-06823-KAW (N.D.  
5 Cal.) (the *Doe 1* Action). I am also counsel for Plaintiffs Doe 3 and Doe 4 in a second Action  
6 titled *Doe 3, et al. v. GitHub, Inc., et al.*, No. 3:22-cv-07074-LB (N.D. Cal.) (the “*Doe 3*  
7 Action”), which was filed on November 10, 2022, and is now pending in this District before this  
8 Court. I have personal knowledge of the matters stated herein and, if called upon, I could  
9 competently testify thereto. I make this declaration pursuant to 28 U.S.C. Section 1746 in  
10 support of Plaintiff’s Administrative Motion to Consider Whether Cases Should be Related.

11 2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint in the  
12 *Doe 3* Action. The Complaint asserts GitHub, Inc. (“GitHub”); Microsoft Corporation; OpenAI,  
13 Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup  
14 Fund I, L.P.; and OpenAI Startup Fund Management, LLC<sup>1</sup> (“Defendants”) engaged in actions  
15 related to the creation and operation of the GitHub Copilot product and OpenAI Codex product  
16 that violated Plaintiffs’ rights under, *inter alia*, the Digital Millennium Copyright Act (17 U.S.C.  
17 §§ 1201–1205) (the “DMCA”), the Lanham Act (15 U.S.C. § 1125), Unfair Competition law  
18 (*Cal. Bus. & Prof. Code* §§ 17200, *et seq.*), and the California Consumer Privacy Act (*Cal. Civ.*  
19 *Code* § 1798.150) (the “CCPA”) that violated the rights of Plaintiffs in the *Doe 1* Action.  
20 Plaintiffs in the *Doe 1* Action have also asserted claims against GitHub and OpenAI for Breach  
21 of Contract regarding the Suggested Licenses and against GitHub for Breach of its Privacy  
22 Statement and its Terms of Service under *Cal. Bus. & Prof. Code* §§ 22575–22579 and *Cal. Civ.*  
23 *Code* § 1798.150.

24 3. Civil Local Rule 3-12 requires that this Administrative Motion to Consider  
25 Whether Cases Should be Related be promptly filed. Defendants were served on November 7,

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27 <sup>1</sup> As in the complaints, OpenAI, Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI Startup Fund  
28 GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC are  
referred collectively herein as “OpenAI”).

1 2022, but have not appeared in the *Doe I* Action as of the date of this filing. Thus, a stipulation  
2 could not be obtained with Defendants' official counsel prior to filing of this Motion.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed this 15<sup>th</sup> day of November 2022 at San Francisco, California.

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6 /s/ Joseph R. Saveri  
Joseph R. Saveri  
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